



DEPARTMENT OF THE ARMY  
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

REPLY TO  
ATTENTION OF

OCT 15 2001

RECEIVED

OCT 16 2001

Regulatory Branch  
Application Section II

SUBJECT: CENAP-OP-R-200100249-1 (NWP23)

URBAN ENGINEERS

Project Name: NJ DEPT OF TRANSPORTATION (Route 47)  
Applicant: New Jersey Department of Transportation  
Waterway: Richardson Sound  
Location: Middle Twp, Cape May County, New Jersey

Mr. Steven B. Locke, P.E.  
Urban Engineers, Incorporated  
Kevon Office Center  
2500 McClellan Avenue, Suite 200  
Camden, New Jersey 08109-4698

Dear Mr. Locke:

This is in regard to your submittal on behalf of the New Jersey Department of Transportation for the proposed roadway improvements to Route 47, Section 1C in Middle Township, Cape May County, New Jersey.

Under current Federal regulations, a Department of the Army permit is required for work or structures in navigable waters of the United States and/or the discharge of dredged or fill material into waters of the United States including adjacent and isolated wetlands. Based upon our review of the information you have provided, it has been determined that the proposed work is approved by the existing Department of the Army nationwide permit (NWP) described below, provided the work is conducted in compliance with the general and special conditions specified in this letter.

Nationwide Permit 23. Approved Categorical Exclusions: Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where that agency or department has determined, pursuant to the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity, work, or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers (ATTN: CECW-OR) has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination. Prior to approval for purposes of this NWP of any agency's categorical exclusions, the Chief of Engineers will solicit public comment. In addressing these comments, the Chief of Engineers may require certain conditions for authorization of an agency's categorical exclusions under this NWP. (Sections 10 and 404)

This authorization does not affect your responsibility to obtain any other Federal, State or local approval(s) required by law for the proposed work before beginning work.

The enclosed table (Enclosure 1) identifies those NWPs which require a preconstruction notification (PCN) to the Corps of Engineers, those which have been regionally conditioned by the Division Engineer, and those which have been denied 401 Water Quality Certification (WQC) and/or Coastal Zone

Management (CZM) consistency by the State. It is noted that CZM consistency from the State is only required for those activities in or affecting a State's coastal zone. Additionally, some of the NWP's do not involve a discharge of dredged or fill material, and as such, do not require a 401 WQC. For those NWP's not requiring a 401 WQC, the appropriate rows and columns have been identified with the term "NA". If the State has denied the required WQC and/or not concurred with the Corps' CZM consistency determination, the NWP authorization is considered denied without prejudice until an individual project specific WQC and/or CZM approval is obtained. This approval must be obtained in order for the activity to be authorized under the NWP and a copy provided to this office before work begins. Any project specific conditions required by the State for the WQC and/or CZM approval will automatically become part of the NWP authorization.

You should carefully note that this NWP authorization is based upon your agreement to comply with the terms and conditions of this NWP (Enclosure 2), including any and all attached project specific special conditions listed below. Initiation of any authorized work shall constitute your agreement to comply with all of the NWP's conditions. You should also note that the authorized work may be subject to periodic inspections by a representative of this office.

#### PROJECT SPECIFIC SPECIAL CONDITIONS:

1. All work performed in association with the above noted project shall be conducted in accordance with the project plans identified as Project Layout, Route 47, Section 1C. The project plans were prepared by Urban Engineers and provide for the disturbance of approximately 0.006 acres of wetlands for outfall structure installation and rip-rap scour protection.
2. Construction activities shall not result in the disturbance or alteration of more than 0.006 acres of wetlands or waters of the United States.
3. Any deviation in construction methodology or project design from that shown on the above noted drawings must be approved by this office, in writing, prior to performance of the work. All modifications to the above noted project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office.
4. This office shall be notified at least 10 days prior to the commencement of authorized work by completing and signing the enclosed Notification/Certification of Work Commencement Form (Enclosure 3). This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the enclosed Notification/Certification of Work Completion/Compliance Form (Enclosure 4). All notifications required by this condition shall be in writing and shall be transmitted to this office by registered mail. Oral notifications are not acceptable. Similar notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.

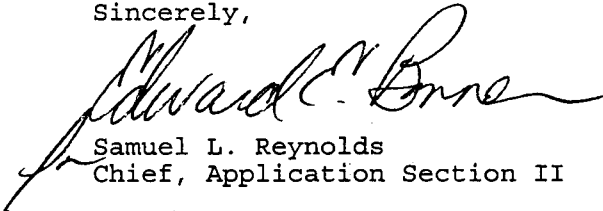
You are advised that this verification of NWP authorization is valid for two (2) years from the date of this letter, unless the NWP authorization is modified, suspended, or revoked. In the event that the NWP authorization is reissued and/or modified during that time period, this two-year expiration date will remain valid, provided the activity complies with any subsequent reissuance and/or modification of the NWP authorization.

The existing NWP's will expire on February 11, 2002. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon a NWP, will remain authorized provided the activity is completed

within 12 months of the date of the NWP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization. As such, any work to be completed beyond this date in reliance upon this existing NWP must be completed by February 11, 2003. Activities completed under the authorization of a NWP which was in effect at the time the activity was completed, continue to be authorized by that NWP. Accordingly, it is incumbent upon you to remain informed of any changes to the NWP authorization(s).

Also enclosed is a pre-addressed postal card (Enclosure 5) soliciting your comments on the processing of your application. Any comments, positive or otherwise, on the procedures, timeliness, fairness, etc., may be made on this card. If you should have any questions regarding this matter, please contact Mr. Edward Bonner of this office at (215) 656-5932 or write to the above address.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel L. Reynolds". The signature is fluid and cursive, with a long horizontal stroke at the end.

Samuel L. Reynolds  
Chief, Application Section II

Enclosures